

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COLUMBIA GAS TRANSMISSION CORPORATION,)
Plaintiff,) C.A. No. 02-CV-3733
v.)
AN EASEMENT TO CONSTRUCT,)
OPERATE AND MAINTAIN A 24-INCH)
GAS TRANSMISSION PIPELINE ACROSS)
PROPERTIES IN CHESTER COUNTY,)
PENNSYLVANIA, OWNED BY JAY PAR)
AND PAR ANBIL, et al. and UNKNOWN)
PERSONS AND INTERESTED PARTIES,)
Defendants.)

**PLAINTIFF COLUMBIA GAS TRANSMISSION CORPORATION'S
MOTION TO SET PRETRIAL ORDER**

The plaintiff, Columbia Gas Transmission Corporation ("Columbia"), moves for the entry of a pretrial order and states in support as follows:

1. This condemnation action was filed on June 12, 2002 to condemn property rights necessary to replace an existing 10-inch pipeline with a 24-inch pipeline. The defendants are the owners of the properties affected by the easements. This action originally involved 46 properties. As of the October 1, 2002 status conference, only 19 properties remained in dispute.

2. On October 1, 2002, the Court held a status conference in this matter and entered an Order which provided as follows:

AND Now, this 4th day of October, 2002, after holding a status conference in the above-captioned matter, and consistent with my rulings on the record at the October 1, 2002 status conference, it is hereby ORDERED that:

1. I will leave a window of time, until October 31, 2002, to permit the parties to continue settlement discussions. During this window of time, Plaintiff's

counsel must contact each party, or their counsel, to explore whether any additional claims can be resolved by agreement.

2. By October 11, 2002, Plaintiff is to provide, to each of the remaining parties, information related to the basis/foundation of Plaintiff's settlement offer to that party. This information is being produced for settlement purposes only, and is confidential, not to be shared with any other party, counsel or non-party.

3. The discovery process will not begin until after November 1, 2002, and will be set forth in a later Order.

4. For those parties who have not yet responded to Plaintiff's attempts to contact them, they must contact Plaintiff's counsel, Kevin C. Abbott, Esq. at #412-288-3804, if they wish to participate in this litigation.

Order of October 4, 2002.

3. On October 10, 2002, the undersigned counsel for Columbia sent letters to all of the remaining defendants stating Columbia's offer and how those offers were calculated. The defendants were all advised that the offers would be withdrawn if not accepted by October 31, 2002.

4. Columbia has negotiated agreements with the following defendants and will file a notice of dismissal after the covenant agreements are executed:

Frank and Anne Marino
Herbert and Helen McCorry
Douglas and Donna Prichard
Sudhir and Asha Bhatnagar
John Churchman
Richard and Victoria Channell

Edmund and Crista Ford
Joseph and Lisa Gallick
Michael and Joan Kelly
Jeffrey March and Carolyn Pizagno
Stuart and Deborah Sullivan
Sean and Margaret Sweeney
Lee and Martha Williams

5. As to the following remaining defendants, the parties discussed settlement but did not reach agreement:

Archbishop of Philadelphia
Harold and Roberta Harper
Robert and Linda Landenberg
Steven and Joanne McNaughton
Frank and Linda Reddon
Francisco and Kathleen Rivas

6. The undersigned counsel also sent to all parties a proposed Stipulation to permit Columbia access to the properties for construction on or after May 1, 2003. No parties have agreed to the Stipulation. Accordingly, as discussed at the October 1, 2003 conference, Columbia will brief that issue as part of its forthcoming motion for partial summary judgment

WHEREFORE, Columbia moves for the entry of the attached Pretrial Order.

REED SMITH LLP

Date: _____

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Columbia Gas Transmission Corporation

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PERSONS AND INTERESTED PARTIES,)
Defendants.)

ORDER

Upon consideration of the Plaintiff Columbia Gas Transmission Corporation's Motion to Set Pretrial Order, the Court enters the following Order concerning pretrial matters:

1. All non-expert discovery must be completed by February 28, 2003.
2. The defendants must produce their expert reports, if any, to Columbia by March 14, 2003. Columbia must produce its expert reports, if any, to the defendants by April 18, 2003. All expert discovery must be completed by May 23, 2003.
3. Any dispositive motions must be filed no later than March 28, 2003. Responses to dispositive motions are due 30 days after service of the motion. Replies are due 15 days after service of the response.
4. Pretrial Memoranda, prepared consistent with LRCP 16.1(c), are to be filed with the Court by _____ (2 weeks before trial date). The listing of witnesses will be subject to LRCP 16.1(d)(b).

5. Trial exhibits are to be pre-marked and exchanged by _____ (at least 5 days prior to trial) with the authenticity subject to LRCP 16.1(d)1(a).

6. A final pre-trial Order will be prepared consistent with LRCP 16.1(d)2 and submitted by counsel for plaintiff to Chambers at least three (3) days prior to the scheduled final pretrial conference.

7. The final pretrial conference will be held on _____ (2-4 days before trial) and conducted consistent with LRCP 16.1(d)3.

8. The trial will be held on _____, in Courtroom _____.

9. All requests by counsel or parties not represented by counsel are to be in writing, filed with the Clerk of Court and in Motion form, consistent with LRCP 7.1, unless directed otherwise by the Court.

Dated: _____

M. Faith Angell
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served by first-class mail, postage prepaid, upon the following:

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Date: _____
